December 13, 2018

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554
Re: Office of Engineering and Technology Requests Comment On Phase I Testing of Prototype U-NII-4 Devices, ET Docket No. 13-49

Dear Secretary Dortch,

The City of New York hereby submits its Comments on the *Public Notice* regarding the Phase I Test Report evaluating potential sharing solutions between the Unlicensed National Information Infrastructure ("U-NII") devices and Dedicated Short Range Communications ("DSRC") operations in the 5.85-5.925 GHz band ("5.9 GHz Band"). Our experience preventing fatal traffic crashes compels us to oppose the proposed weakening of exclusivity of the 5.9 GHz Band for vehicle safety technologies.

The 5.9 GHz Band is used by the Intelligent Transportation Systems ("ITS") Radio Service under Subpart M of Part 90 of the Federal Communication Commission's ("FCC" or "Commission") Rules.

In 1997 the FCC made the decision to allocate the full spectrum of the 5.9 GHz band to DSRC. This decision was reaffirmed in 2004. At the time of these decisions the FCC agreed with the visionary idea that the development of a national intelligent traffic system architecture to support lifesaving vehicle technologies was in the national interest.

It is essential to continue to protect the 5.9 GHz Band because the vehicle safety technologies which are poised to debut on this spectrum represent the best, most practical hope to avoid the senseless tragedies that occur on our roadways daily. NYC launched the Vision Zero initiative to reduce and eliminate traffic deaths in 2014. In the years since, fatalities have declined 26%, including a 42% decline in pedestrian fatalities. During the same period, roadway fatalities increased 14% nationally – over ten thousand more children, adults and senior citizens needlessly killed. The central principle of Vision Zero is that all of these fatalities are preventable – a premise that New York City is proving daily. But New York's Vision Zero success is attributable to our investment in the enforcement, engineering and education strategies that are current best practices. What we know is that achieving our goal of zero traffic fatalities cannot happen without innovative approaches, and none is as promising as V2X, on a dedicated band.

According to ITS America there are now over 70 active deployments of V2X communications that use this band. Over 1,000 road side units for V2X communications are in operation across the nation, and 18,000 vehicles have been outfitted with vehicle to vehicle and vehicle to infrastructure technology. Over the last year and a half, car manufacturer have recognized the need for this technology and a few have announced that all of their vehicles manufactured as soon as 2021 in some cases will have V2V technology as standard. The decoupling of vehicle safety technology from luxury is a huge step and one that should be supported with proper and uninterruptable access for these systems to work.

NYC Department of Transportation
Office of the Commissioner
55 Water Street, New York, NY 10041
T: 212.839.6400 F: 212-839-6453
nyc.gov/dot

The rapid growth in active deployments across the nation is about to accelerate still further; in New York City alone we are expecting thousands more vehicles to be outfitted as part of our USDOT pilot project, including city owned vehicles, public transit buses, and taxi cabs. We are instrumenting several hundred intersections with roadside units, and providing hundreds of visually impaired pedestrians with smartphones which will communicate with traffic signals and aid in safe travel through intersections. In addition, in the recently released 2018-2019 NYC Safe Fleet Transition Plan NYC Fleet has moved vehicle to vehicle technology from an exploratory technology to a best practice technology for city owned vehicles based on the promise of the reducing vehicle collisions resulting in fatalities and serious injuries.

The features that we are proving through DSRC, including red light warnings, automated information about road restriction, and work zone alerts will not only protect New Yorkers from traffic injuries or worse but also boost the City's ability to reduce traffic congestion and cut emissions from vehicles idling in traffic.

None of this progress is feasible if the band cannot be protected against use by those who seek to transmit advertisements, music, videos and other data on this transportation safety band. Saving lives and using vehicle safety technology should be considered paramount over opening up yet another avenue for content on demand.

As such the City of New York opposes sharing the 5.9 GHz band and removing the exclusivity this band has for vehicle safety technologies.